

Notice of Allowability

Application No.

09/526,920

Examiner

John s. Starsiak Jr.

Applicant(s)

LE FEBRE, DAVID

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 16 December 2003.
2. ☒ The allowed claim(s) is/are 1-34 and 36-62.
3. ☒ The drawings filed on 15 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>01/21/04</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clifton W. Thompson on 20 January 2004.

The application has been amended as follows:

In claim 26, line 27: Change "an electric field" to – a first electric field --.

Cancel claim 35.

In claim 36, line 1: Change "claim 35" to – claim 26 --.

In claim 37, line 1: Change "claim 35" to – claim 26 --.

In claim 38, line 1: Change "claim 35" to – claim 26 --.

In claim 39, line 1: Change "claim 35" to – claim 26 --.

In claim 47, line 11: Change "an electric" to – "a second electric --.

In claim 50, line 1: Change "further comprising" to – wherein the line source comprises--.

In claim 50, line 3: Before "a second electrode" insert --the system further comprises--.

In claim 52, between lines 9 and 10: Insert – a first electric field generator :--.

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In claim 52, after "channel chamber;" insert --and--.

In claim 52, line 25: Change "an electric" to -- a second --.

In claim 52, line 31: After "separation channel;" insert -- and --.

In claim 53, line 11: Change "an electric" to -- a third electric--.

In claim 55, line 3: Change "second" to -- third --.

In claim 56, line 1: Change "further comprising" to -- wherein the line source of electric potential --.

In claim 56, line 3: Before "a second electrode" insert --the system further comprises --.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The closest prior art to the present invention is Ivory et al. Ivory et al does not explicitly teach or fairly suggest an electromobility focusing separation system including: a continuous electric field intensity gradient generator configured to apply an electric field intensity gradient within a first separation channel along the longitudinal axis over at least a portion of the first separation channel intermediate the first and second ends, the intensity of electric field generated *varying as a continuous function* of location along the longitudinal axis, whereby electrophoretic migration of analyte species within the first separation channel is actuated by a force that varies with position along the

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longitudinal axis as a continuous function of position along the longitudinal axis with the portion of the first separation channel. The continuous electric field intensity gradient generator comprises: a resistor disposed parallel and in fluid communication with the first separation channel along at least the portion of the first separation channel intermediate the first and second ends thereof, said resistor having a variable resistance varying as a continuous function of position along the longitudinal axis of the first separation channel.

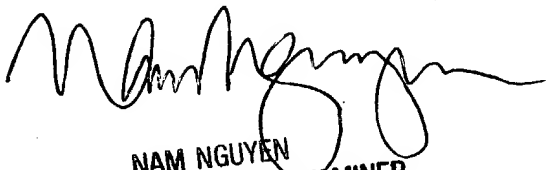
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Starsiak Jr. whose telephone number is (571) 571-1346. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen, can be reached on (571) 272-1300. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.



NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700



John S. Starsiak Jr.

21 January 2004